

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

**UNITED STATES OF AMERICA**

**v.**

**Case number: 2:21-cr-00127**

**RAYMOND DUGAN**

**MOTION FOR JUDGMENT OF ACQUITTAL**

NOW COMES the defendant, Raymond Dugan, by counsel, David Schles, pursuant to Rule 29 of the Federal Rules of Criminal Procedure, and moves this court for an entry of judgment of acquittal as to the single count superseding indictment. The evidence adduced at trial was insufficient to allow a rational trier of fact to adjudge the defendant guilty of knowingly accessing with intent to view material, that is computer graphic image files, containing images and videos of child pornography.

First, the government failed to prove that Mr. Dugan **knowingly** accessed computer graphic image files containing child pornography. Second the government failed to prove Mr. Dugan possessed the **intent** to view images or videos of child pornography. At most, the evidence established that Mr. Dugan accessed the homepage of a website identified as the TARGET WEBSITE. The homepage of the TARGET website did not contain child pornography. The government may have subsequently learned that child pornography was available on the website if a user navigated deeper into the website from the homepage, but the government failed to prove that Mr. Dugan knowing accessed that website or that he did in fact navigate

deeper into the website at all, let alone that he did so with the intent to view child pornography.

Neither Mr. Dugan's statements to law enforcement nor the forensic examination of his computer which located a number of hidden files on his hard drive containing child pornography, separately or viewed together, suffice to establish that Mr. Dugan knowingly accessed with intent to view material, that is computer graphic image files, containing images and videos of child pornography.

Raymond Dugan also expressly restates, re-alleges and re-argues all grounds in support of the motion of acquittal previously presented at the close of the government's evidence and renewed after the defense rested.

Wherefore, the defendant Raymond Dugan prays that this court enter a judgment of acquittal as to the single count superseding indictment.

Respectfully Submitted,  
Raymond Dugan  
By counsel,

**s/ David Schles**  
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**CERTIFICATE OF SERVICE**

I, David Schles, counsel for defendant, Raymond Dugan do hereby certify that on this 16th day of August 2022, the foregoing DEFENDANT'S MOTION FOR JUDGMENT OF ACQUITTAL was served upon the following by CM/EMF electronic filing:

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